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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,246	04/26/2000	Nadia M. Corlett	9911-01	2384

7590

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EXAMINER

STEPHENS, JACQUELINE F

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 02/10/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,246

Applicant(s)

CORLETT, NADIA M.

PR

Examiner

Jacqueline F Stephens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,9,16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,9,16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/03 has been entered.

Response to Arguments

2. Applicant's arguments filed 12/22/03 have been fully considered and they are partially persuasive.

Regarding the rejection of claims 1, 4, 5, 9, 16, 19, and 20 under 35 U.S.C. 102(b) as being anticipated by Meixner, applicant's arguments are not persuasive. Applicant argues Meixner fails to teach or suggest packaging a single absorbent article to yield an individually packaged single absorbent article that is highly compact and portable. The examiner respectfully disagrees based on the fact that Meixner discloses his packaging method and material is designed to package at least one article (col. 15, lines 65-66). Meixner teaches his packaging method and system is appropriate for packaging absorbent articles (col. 4, lines 23-29). Meixner further recognizes the packaging materials can be expanded and contracted, which enables it to package

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various types of articles from diverse areas and to fit the commodity being packaged (col. 2, lines 54-62 and col. 4, lines 12-20). The examiner interprets this teaching to also mean the packaging materials and packaging system of Meixner is flexible enough to package different sizes, types, or quantities of articles. Therefore, based on the teachings of Meixner, it is within the level of one of ordinary skill in the art to use the packaging system and materials to package a single absorbent article or a plurality of absorbent articles.

Regarding the rejection of claims 1, 4, 5, 16, and 19 under U.S.C. 103(a) as being unpatentable over Meyer in view of DesMarais, applicant's arguments found on page 9 are persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(s) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 4, 5, 9, 16, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Meixner USPN 6321513.

As to claims 1 and 9, Meixner discloses an individually packaged highly compact and portable absorbent article comprising: a single (Meixner discloses his packaging method and material is designed to package at least one article (col. 15, lines 65-66)) compressed absorbent article capable of being compressed and reconfigurable from a normal condition to a compressed condition (col. 9, lines 15-22); and a packaging for retaining the absorbent article in the compressed condition; the absorbent article having three dimensions at least one of which is reduced when the absorbent article is in the compressed condition; the absorbent article occupying a volume of space that is reduced by at least about 30% when the absorbent article is reconfigured from a normal condition to a compressed condition (col. 4, lines 22-31), and the packaging for retaining the single absorbent article when the article is in a compressed condition, yielding an individually packaged compact and portable absorbent article (col. 4, lines 22-31 and col. 15, lines 65-66).

As to claims 4 and 5, Meixner discloses the absorbent article is reconfigured from a normal condition to a compressed condition by negative pressure, and the packaging is configured to retain at negative pressure the compressed absorbent article (col. 3, lines 46-63, col. 4, lines 22-32, col. 6, lines 4-12, and col. 9, lines 15-22).

As to claims 16 and 20, Meixner discloses a method for packaging an absorbent article to yield a single - Meixner discloses his packaging method and material is designed to package at least one article (col. 15, lines 65-66) - individually packaged absorbent article, which is compact and portable, the method comprising the steps of:

- providing a packaging (col. 4, lines 22-24);
- providing a single absorbent article, the absorbent article occupying a volume of space in three dimensions - Meixner discloses his packaging method and material is designed to package at least one article (col. 15, lines 65-66), and any absorbent article inherently occupies a volume of space in three dimensions;
- reconfiguring the absorbent article such that the volume of space is reduced by at least about 30% (col. 4, lines 22-31);
- retaining the absorbent article when reconfigured within the packaging, thereby yielding an individually packaged compact and portable absorbent article (col. 4, lines 22-31; col. 9, lines 15-22; and col. 15, lines 65-66).

As to claim 19, Meixner discloses the absorbent article is reconfigured from a normal condition to a compressed condition by negative pressure, and the packaging is

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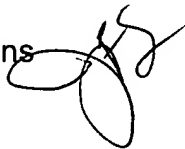
configured to retain at negative pressure the compressed absorbent article (col. 3, lines 46-63, col. 4, lines 22-32, col. 6, lines 4-12, and col. 9, lines 15-22).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline F Stephens whose telephone number is (703) 308-8320. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703)305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacqueline F Stephens
Examiner
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February 7, 2004